



# City of Carmel

## CARMEL PLAN COMMISSION JANUARY 16, 2007

### Minutes

The regularly scheduled meeting of the Carmel Plan Commission met at 6:00 PM in the Council Chambers of City Hall on January 16, 2007. The meeting opened with the Pledge of Allegiance.

Members present: Leo Dierckman, Jay Dorman, Wayne Haney, Kevin Heber, Brian Mayo, Rick Ripma, Carol Schleif, Sally Shapiro, Madeleine Torres, Susan Westermeier, thereby establishing a quorum.

DOCS Staff Present: Mike Hollibaugh, Director, Matt Griffin, Christine Barton-Holmes, and Adrienne Keeling. John Molitor, Legal Counsel was also present.

The minutes of the December 19, 2006 meeting were approved with the inclusion of additional comments made by Carol Schleif regarding Cobblestone Commons.

**John Molitor, Legal Counsel**, administered the Oath of Office to new members Brian Mayo (City Council appointment) Sally Shapiro, (Parks Board appointment) and returning member Leo Dierckman.

The following persons were elected officers of the Carmel Plan Commission for the ensuing year:

Leo Dierckman was elected President by Unanimous Consent

Rick Ripma was elected Vice President by Unanimous Consent

Madeleine Torres will continue as representative to the BZA

Carol Schleif was appointed as the Carmel Plan Commission representative to the Hamilton County Plan Commission.

Susan Westermeier was elected Member-at-Large by Unanimous Consent.

**Announcements:** Matt Griffin announced that item 1H, Docket No. 06010003Z, Guerrero Property and Item 1I, Docket No. 06010008 Z, Midtown Village PUD have been continued to the February 20, 2007 meeting.

## **H. Public Hearings:**

### **1H. Docket No. 06010003 Z: Guerrero Property – CONT. to FEB 20**

The applicant seeks to rezone 38.8 acres from S1/Residential to PUD/Planned Unit Development for the purpose of developing attached single-family residences and townhomes.

The site is located at the northwest corner of Towne Road and 131<sup>st</sup> Street.

Filed by Charles Frankenberger of Nelson and Frankenberger for Indiana Land Development Co.

### **2H. Docket No. 06120004 Z: Armstrong Rezone**

The applicant seeks to rezone property from S1 to B3.

The site is located at the NE corner of W. 98<sup>th</sup> Street and Michigan Road (US 421) and is zoned S1 within the US 421 Overlay.

Filed by Paul Reis of Bose McKinney, & Evans LLP for Armstrong Family Charitable Trust and Guaranty Properties Ltd.

Paul Reis, attorney, Bose McKinney & Evans LLP, 301 Pennsylvania Parkway, Suite 300 appeared before the Commission representing the applicant. Also in attendance: Aaron Boyle, contract purchaser and developer of this property for Mid-Atlantic Properties.

The applicant is requesting permission to Rezone the site located at the northeast corner of West 98<sup>th</sup> Street and Michigan Road within the US 421 Overlay.

If the Rezone is successful, the petitioner will return with a Development Plan, Landscape Plan and will specify the uses on the property in accordance with B-3 zoning.

### **Public Comments/General, Unfavorable:**

**Richard Goodwin**, 3742 West 98<sup>th</sup> Street spoke in favor of the proposed rezone.

### **Public Comments/Unfavorable:**

**Jean Brown, 3734 West 98<sup>th</sup> Street**, main concern is water now coming onto her property and other residences in the immediate area since the Home Depot store and the stores north of her home were built. Ms. Brown said her back yard is under water most of the time and several residents have water in their septic system and cannot do laundry or even flush toilets. Ms. Brown said she has talked to Duke and nothing has been resolved. Ms. Brown is not opposed to the rezone, but is asking for consideration and resolution for the water situation.

**Kate DeVine, 3738 West 98<sup>th</sup> Street**, agreed with Ms. Brown regarding the water situation and drainage issues and wondered what the plans are for the access road and what impact that will have on the current residents in the area.

**Paul Reis** said that the petitioner has made a note of the drainage situation and will look into it. Obviously, new development is not supposed to affect the adjacent property owners. As far as the access road, the road will probably not carry much traffic, since it is not a signalized intersection and will have little or no effect on the area.

**Note:** Matt Griffin, Department, asked the petitioner to provide up-dated aerials showing the future connection of North Augusta Drive into the development prior to Committee meeting. Otherwise, the Department is requesting that this item be forwarded to the February 6 Special Studies Committee for further review and discussion.

Commissioner Haney asked that the water situation be looked into—Matt Griffin concurred.

Jay Dorman said he was inclined to show a lot of sensitivity toward the adjacent neighbors in this particular situation.

Carol Schleif agreed with Commissioner Dorman's comments.

The petitioner has worked with Duke who has said that they have more than enough capacity to store storm water.

Jay Dorman asked the members of the public to point out the location of their homes where the drainage is not functioning.

Ms. Brown said that there is a ditch that runs between her property and the DeVine property—Ms. Brown has lived there 52 years and the ditch has been there that long. The water goes beneath the road and out 98<sup>th</sup> Street on down to the Creek. After the retention pond was constructed, the water stands between there (the ditch?) and the highway (US 421?) all of the time.

Matt Griffin said DOCS would talk with the Hamilton County Surveyor's Office and also talk with the City Engineering Storm Water expert to see who controls what and what the issues are and what the process would be.

The members of the public were encouraged to attend the Committee meeting on February 6 at 6:00 PM.

John Molitor, Legal Counsel, commented that the most likely candidate to resolve the water issue is the Hamilton County Surveyor's Office, not the Plan Commission.

Sally Shapiro asked about the number of parking spaces.

Paul Reis responded that the parking spaces would be driven by the size of the building and the footprint has not yet been finalized.

Sally Shapiro was concerned that there was no visible access onto Michigan Road and wanted to see some expansion/widening of 98<sup>th</sup> Street to accommodate the increased traffic.

Paul Reis said the petitioner would definitely look at the traffic situation and the possible widening of 98<sup>th</sup> Street.

Carol Schleif said it would be a good idea for the petitioner to stay within the flavor of the area as far as architectural design.

**Docket No. 06120004 Z, Armstrong Rezone** was referred to the Special Studies Committee for further review on February 6, 2007 at 6:00 PM in the Caucus Rooms of City Hall.

**3H. Docket No. 07010008 Z: 116<sup>th</sup> & Guilford Rezone**

The applicant seeks to rezone approximately 9.5 acres from I-1/Industrial to the R-1/Residence District Zoning Classification.

The site is located at 1441 S. Guilford.

Filed by the Carmel Dept. of Community Services.

Adrienne Keeling, Department of Community Services appeared before the Commission representing the applicant. Adrienne reported that the Certified Mail notices to adjacent property owners and the newspaper publication and placement of the sign on the property met the State's 10-day notice requirement; however, the notice did not meet the 25-day requirement as specified in the Commission's Rules of Procedure.

In order to go forward with the hearing of the petition, the Commission would need to waive its Rules of Procedure.

Jay Dorman made formal motion to suspend the 25-day Notice Requirement as specified in the Plan Commission's Rules of Procedure, seconded by Wayne Haney, Motion Denied 7-3 (2/3 majority vote required.)

**Docket No. 07010008 Z, 116<sup>th</sup> & Guilford Rezone** was **CONTINUED** to the February 20, 2007 Plan Commission meeting.

**Old Business**

**II. Docket No. 06010008 Z: Midtown Village PUD – CONT. to FEB 20**

The applicant seeks to rezone 18.82 acres from I1/Industrail to PUD for the purpose of creating mixed use development.

The site is located at 510 Third Avenue SW and is zoned I1/Industrial.

Filed by Lawrence Kemper of Nelson and Frankenberger for Centex Homes.

**J. New Business**

The Commission members were reminded of the training session to take place on February 3<sup>rd</sup> at the Village of WestClay—Agenda and starting time forthcoming.

There was no further business to come before the Commission; the meeting adjourned at 6:45 PM.

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**Leo Dierckman, President**

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Ramona Hancock, Secretary